IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2827 of 2005

Between:

1. Eepanagandla Sreenu,S/o Peddanna, 30 years
2. Bakka Pedda Seshu Reddy, S/o late Pedda Govinda Reddy, 45years
3. Ammi Reddy Seshayyamma, W/o GovindaREddy, 35 years
4. Jakkreddy Venkata Narasamma,W/oRami Reddy, 50 years
5. Jakkireddy Krishna Reddy, S/o Rami Reddy, 35 years
6. Bellampalli Sreenivasa Rao, S/o Peda Yelamanda, 34 years
7. Yeti Peramma, W/o Yogaiah, 50 years
8. Eepanagandla Adi Lakshmi, W/o Nagaiah, 50 years

(All are agriculturists, Nujendla Village, Guntur district.)

..... PETITIONERS

AND

1. The Revenue Divisional Officer, Narasaraopet, Guntur district.
2. The Mandal Revenue Officer, Nujendla Manda, Guntur district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or direction or writ under Article226 of the Constitution of

India, more particularly one in the nature of writ of mandamus, declaring the action of the second respondent in publishing the voters list of Water Users Association, Minor Irrigation Tank, Nujendla, without considering all the applications of the petitioners and others for enrolling themselves as voters and without conducting any inquiry as illegal, arbitrary, bad and against the principles of natural justice and consequently direct the respondents to consider all the applications of the petitioners and others, and conduct an inquiry and prepare a valid voters list for Water Users Association, Minor Irrigation Tank, Nujendla, before conducting elections and pass such other order or orders.

Counsel for the Petitioners:MR.C.DAMODHAR REDDY

Counsel for the Respondents No.1 and 2: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the stage of admission made the following ORDER:

The petitioners claim that they are the owners of land in various survey numbers under the ayacut of minor irrigation tank of Nujendla village and mandal of Guntur district. The second respondent published a draft voters' list on 09.02.2005 and invited objections. The petitioners state that the draft voters' list is of the year 2003 and they made representation to include their names as well as to delete the names of the persons who are not holding any agricultural lands, such as those mentioned at Sl. Nos. 9,10,26 to 35 of the draft voters' list. The petitioners contend that their representation has not been considered and the voters' list is prepared without inclusion of their names. They attribute political reasons for such rejection and ultimately challenge the action of the respondents in publishing the final voters' list.

Heard the learned counsel for the petitioners and the learned Government Pleader for Irrigation.

The Andhra Pradesh Farmers' Management of Irrigation Systems (Delineation and Formation of Water Users Associations) Rules, 2003 (for short 'the Rules') provide for constitution of committees for irrigation tanks and the other matters relating thereto. The Rules provide for publication of a draft voters' list in form. The aggrieved persons are entitled to make representations for inclusion or exclusion of the names in the draft voters' list. After consideration of such objections, a final voters' list is prepared. Rule 10 thereof provides for an appeal to the District Collector against the final voters' list. The petitioners can avail such a remedy. This Court cannot record any finding as to the legality or

otherwise of the claim of the petitioners, be it as to the inclusion or exclusion of the persons, who are said to be not holding any lands under the tank. The apprehension of the petitioners that the election would be held on the basis of the disputed final voters' list can be taken care of, by directing that the election shall take place only after the appeal that may be preferred by the petitioners is disposed of.

Hence, the writ petition is disposed of directing that-

a. It shall be open to the petitioners to avail the remedy of appeal under Rule 10 of the Rules by filing the same within three weeks from today;

b. In case such an appeal is preferred within the time stipulated above, the appellate authority shall consider the same and pass appropriate orders and the elections to the Association shall be held, only after the appellate authority disposes of the appeal;

c. There shall be no order as to costs.

21.02.2005

Note:

Issue CC in two days.

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To

1. The Revenue Divisional Officer, Narasaraopet, Guntur district.
2. The Mandal Revenue Officer, Nujendla Manda, Guntur district.
3. Two CCs. to the G.P. for Irrigation, High Court of A.P., Hyderabad (OUT).
4. Two CD copies.